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09/661,739	09/14/2000	Jeffrey D. Ollis	D-2340	9031

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EXAMINER

KAPADIA, MILAN S

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/661,739

Applicant(s)

OLLIS, JEFFREY D.

Examiner

Milan S Kapadia

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Notice to Applicant**

1. This communication is in response to the application filed 14 September 2000. Claims 1-12 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Krane (6,799,063).

(A) As per claim 1, Krane teaches a system for providing, locally generated prompts/announcements in a telecommunications network, the system comprising a centralized service for storing a plurality of prompt/announcement files, said plurality including various types of files (Krane; abstract and col. 3, lines 28-42; the Examiner interprets the "Web site server" as the "centralized service"); a telecommunications device located in close proximity to the user, said telecommunications device for downloading predetermined files from said plurality of files (Krane; col. 3, lines 28-42; the Examiner interprets the "web access server" as the "telecommunications device"; and at least one communication device for interacting with said telecommunications device and selecting the predetermined ones of said files to be downloaded (Krane; col. 3, lines 28-42 and figure 1; the Examiner interprets the "telephone" as the "communications device.")

(B) As per claim 2, Krane teaches wherein the at least one communication device comprises a telephone with a keypad for selecting prompt/announcement files (Krane; figure 1).

(C) As per claim 3, Krane teaches wherein the selected prompt/announcement files comprise voice files (Krane; abstract).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7 9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krane (5,799,063) as applied to claim 1 above and further in view of Sparks et al. (6,222,838).

(A) As per claims 4 and 6, Krane fails to expressly teach wherein the at least one communication device comprises a computer with a keyboard for selecting prompt/announcement files and wherein the at least one communication device comprises a telephone with a keyboard for selecting a first subset of files and a computer with a keyboard for selecting a second subset of files. However, this feature is old and well known in the art, as evidenced by Spark's teachings with regards to wherein the at least one communication device comprises a computer with a keyboard for selecting prompt/announcement files and wherein the at least one communication device comprises a telephone with a keyboard for selecting a first

subset of files and a computer with a keyboard for selecting a second subset of files (Sparks; col.3, line 3-col. 4, line 18). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Krane with Spark's teaching with regards to this limitation, with the motivation of reducing the strain of network resources by enabling the delivering of audio and data files to a user over common and independent networks (Sparks; col. 1, lines 57-62).

(B) As per claim 5, Krane fails to expressly teach wherein the selected files are chosen from a group consisting of text files, video files and multimedia files. However, this feature is old and well known in the art, as evidenced by Spark's teachings with regards to wherein the selected files are chosen from a group consisting of text files, video files and multimedia files (Sparks; col.4, lines 41-67). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Krane with Spark's teaching with regards to this limitation, with the motivation of reducing the strain of network resources by enabling the delivering of audio and data files to a user over common and independent networks (Sparks; col. 1, lines 57-62).

(C) As per claim 7, Krane fails to expressly teach wherein the first subset of files comprises voice files and the second subset of files comprises files chosen from a group consisting of text files, video files and multimedia files. However, this feature is old and well known in the art, as evidenced by Spark's teachings with regards to wherein the first subset of files comprises voice

files and the second subset of files comprises files chosen from a group consisting of text files, video files and multimedia files (Sparks; col. 3, lines 35-44 and col.4, lines 41-67). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Krane with Spark's teaching with regards to this limitation, with the motivation of reducing the strain of network resources by enabling the delivering of audio and data files to a user over common and independent networks (Sparks; col. 1, lines 57-62).

(D) As per claim 9, Krane teaches, a method of providing client-side prompt/announcement files for use by a subscriber on a local telecommunications device from a plurality of prompt/announcement files stored on a centralized server (Krane; abstract and col. 3, lines 28-42), the method comprising the steps of:

a) determining subscriber characteristics (Krane; col. 5, lines 11-38);

Krane fails to expressly teach b) determining the type of user entry device and c) downloading a subset of prompt/announcement files from the centralized server to the local telecommunications device based upon the determined subscriber characteristics and the type of user entry device. However, this feature is old and well known in the art, as evidenced by Spark's teachings with regards to b) determining the type of user entry device (Sparks; col. 3, lines 4-33) and c) downloading a subset of prompt/announcement files from the centralized server to the local telecommunications device based upon the determined subscriber characteristics and the type of user entry device (Sparks; col. 3, lines 4-33). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the system taught by Krane with Spark's teaching with regards to this limitation, with the motivation of reducing the strain of network resources by enabling the delivering of audio and data files to a user over common and independent networks (Sparks; col. 1, lines 57-62).

(E) Claims 11 and 12 repeat the features of claims 3 and 5, respectively, and are therefore rejected for the same reasons given above in the rejections of claims 3 and 5 and incorporated herein.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane (5,799,063) as applied to claim 1 above and further in view of Akatsu et al. (6,505,255).

(A) As per claim 8, Krane fails to expressly teach wherein the network comprises an HFC network and the telecommunications device comprises a communications gateway. However, this feature is old and well known in the art, as evidenced by Akatsu's teachings with regards to wherein the network comprises an HFC network and the telecommunications device comprises a communications gateway (Akatsu; col. 6, lines 41-54 and col. 7, lines 25-37). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Krane with Akatsu's teaching with regards to this limitation, with the motivation of using commonly available networking technology for delivering voice, telephony, data, and other interactive services.



7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane (5,799,063) and Sparks et al. (6,222,838) as applied to claim 9 above and further in view of Osder et al. (6,058,166).

(A) As per claim 10, the combined system of Krane and Sparks collectively teach the subscriber characteristics include location and subscribed-to telecommunication services (Krane; col. 5, lines 18-37) but collectively fail to expressly teach the subscriber characteristics include language. However, this feature is old and well known in the art, as evidenced by Osder's teachings with regards to the subscriber characteristics include language (Osder; abstract). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the collective system taught by Krane and Sparks with Osder's teaching with regards to this limitation, with the motivation of downloading the subset or prompts/files based on the desired language (Osder; abstract).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches a system for accessing multimedia mailboxes and messages over the Internet and via a telephone (6,233,318); an audio-based wide area information system (5,926,789); voice mail communication system (5,625,675); an interactive transit information (5,214,689); and an interactive voice response system (6,411,686)..

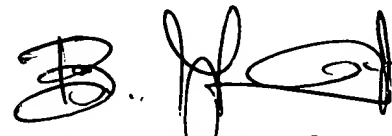
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mt  
mk

November 24, 2003

  
BUNJOB JAROENCHONNAWIT  
PRIMARY EXAMINER